

11060989

"Express Mail" mailing label number EV 326038531 US

Date of Deposit: July 8, 2005

Our Case No. 10736/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Najam, et al

Serial No. 09/858,324

Filing Date: May 15, 2001

For APPARATUS AND METHOD FOR
INTERFACING WITH A HIGH
SPEED BI-DIRECTIONAL
NETWORK

Examiner: CHRISTIAN CHACE

Group Art Unit No.: 2189

**REQUEST FOR RECONSIDERATION OF PETITIONS
UNDER 37 C.F.R. §1.48(a) AND 37 C.F.R. § 1.183**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request reconsideration of the decision dismissing Applicants' petitions under 37 C.F.R. § 1.48(a) and 37 C.F.R. § 1.183 filed March 3, 2005. In the Dismissal, the Petitions Attorney urged the Applicants to specifically address the two deficiencies of the original petitions noted in the dismissal: 1) the lack of proper written consent of the assignee, Cloudshield Technologies, Inc. pursuant to 37 C.F.R. §§ 1.48(a)(5) and 3.73(b); and 2) the lack of a showing of inability to reach Andrew Nguyen, the unavailable inventor pursuant to 37 C.F.R. § 1.183 and MPEP 201.03. To correct the noted deficiencies, two additional documents are provided with this Request for Reconsideration: 1) proper written consent of the assignee Cloudshield Technologies, Inc. pursuant to 37 C.F.R. § 3.73(b); and 2) a declaration setting forth the steps taken to locate Andrew Nguyen, the unavailable inventor.

Applicants have calculated no fee to be due in connection with the filing of this Request for Reconsideration. However, the Director is authorized to charge any deficiency associated with the filing of this statement to a deposit account, as authorized in the Transmittal accompanying this Request for Reconsideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dustin H. Bettendorf", is written over a horizontal line.

Dustin H. Bettendorf
Registration No. 56,507
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



Our Case No. 10736/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Najam, et al)
Serial No. 09/858,324) Examiner: CHRISTIAN CHACE
Filing Date: May 15, 2001) Group Art Unit No.: 2189
For APPARATUS AND METHOD FOR)
INTERFACING WITH A HIGH)
SPEED BI-DIRECTIONAL)
NETWORK)

**WRITTEN CONSENT TO CORRECTION OF INVENTORSHIP PURSUANT TO
37 C.F.R. § 1.48(a)(5) AND 37 C.F.R. § 1.324(b)(3) AND 37 C.F.R. § 3.73(b)**

Pursuant to 37 C.F.R. § 1.48(a) and 37 C.F.R. § 1.324(a), the inventive entity is set forth in error in an executed 37 C.F.R. § 1.63 oath/declaration in the above captioned nonprovisional patent application. Such error arose on the part of the persons who, through error and without deceptive intent, were not named as inventors.

Pursuant to 37 C.F.R. § 3.73(b), CloudShield Technologies, Inc., by virtue of an assignment from the originally named inventors, a copy of which is attached, is the assignee of the above captioned patent application and hereby consents to the correction of inventorship filed herewith.

Pursuant to 37 C.F.R. § 3.73(b)(2)(i), this submission may be signed by any person, if the submission sets forth that the person signing is authorized to act on behalf of the assignee. I, Peder Jungck, am authorized to act on behalf of CloudShield Technologies, Inc.

Respectfully submitted,


Peder Jungck
Chief Technical Officer
Chairman of the Board of Directors
CloudShield Technologies, Inc.

7-7-05
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------|---|---------------------------|
| In re Application of: |) | |
| |) | |
| Najam, et al |) | |
| |) | Examiner: CHRISTIAN CHACE |
| Serial No. 09/858,324 |) | |
| |) | Group Art Unit No.: 2189 |
| Filing Date: May 15, 2001 |) | |
| |) | |
| For APPARATUS AND METHOD FOR |) | |
| INTERFACING WITH A HIGH |) | |
| SPEED BI-DIRECTIONAL |) | |
| NETWORK |) | |
| |) | |
| |) | |

DECLARATION OF FACTS CONCERNING UNAVAILABLE INVENTOR

This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the re-execution of the declaration by the unavailable inventor for the above-identified patent application.

This declaration is being made by a person having first-hand knowledge of the facts recited herein.

1. I, James L. Katz, am a registered patent attorney (Reg. No. 42,711) representing CloudShield Technologies Inc., in the above-identified patent application. CloudShield Technologies, Inc. is the assignee of the rights in the above-identified patent application.
2. On August 27, 2001, I filed a properly executed declaration identifying inventors, Zahid Najam, Peder J. Jungck, Macduy T. Vu, and Andrew T. Nguyen for the above-identified patent application.
3. On August 27, 2001, I filed an assignment executed by Zahid Najam, Peder J. Jungck, Macduy T. Vu, and Andrew T. Nguyen, assigning all right, title, etc. in the above-identified patent application to CloudShield Technologies, Inc.
3. Subsequently, it was made known to me that the inventive entity was set forth in error in the executed declaration because Greg Triplett was not listed as a named inventor. Such

error arose on the part of the persons who, through error and without deceptive intent, were not named as inventors.

4. A new declaration was prepared to be re-executed identifying Zahid Najam, Peder J. Jungck, Macduy T. Vu, Andrew T. Nguyen, and Gregory Triplett as joint inventors, along with a petition under 37 C.F.R. § 1.48 to correct the inventorship. On December 2, 2004, I sent an electronic copy of the application papers (specification, claims, drawings, and declaration) and petition to Peder J. Jungck, so he could coordinate the signatures of all of the inventors.

5. On February 11, 2005, Mr. Jungck asked for assistance in securing the signatures of the two outstanding inventors, Macduy T. Vu and Andrew T. Nguyen. In due course I contacted and obtained an executed declaration from Macduy T. Vu.

6. Subsequently on February 11, 2005, I telephoned Mr. Nguyen to inquire as to whether he would sign and return the new declaration. Mr. Nguyen stated to me he that he never received the declaration from Mr. Jungck but that he would sign the new declaration if I sent it to him and that he would further return it to me immediately.

7. On February 14, 2005, I sent Mr. Nguyen a prepaid self-addressed return FedEx envelope and a copy of the application papers (specification, claims, drawings, and declaration) via Federal Express to his current place of residence at 3239 Heritage Oaks Court, San Jose, CA 95148.

8. On February 15, 2005, I confirmed that Mr. Nguyen received the application papers as evidenced by the attached tracking receipt. I further called Mr. Nguyen's residence and a woman purporting to be Mr. Nguyen's wife confirmed that Mr. Nguyen had received these documents.

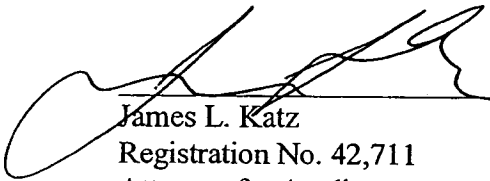
9. Subsequent to February 16, 2005, and up until March 3, 2005 when the original petition to correct inventorship was filed listing Mr. Nguyen as an unavailable inventor, I attempted to telephone Mr. Nguyen at both his home number and his cellular telephone number on a daily basis. Mr. Nguyen did not answer his telephone and failed to respond to the numerous voice mail messages asking him to contact me and/or return the signed declaration. Mr. Nguyen has not contacted me nor sent back the signed declaration using the prepaid self-addressed return FedEx envelope that I provided.

10. On June 27, 2005 and June 28, 2005, I again attempted to reach Mr. Nguyen at both his home telephone number and his cellular telephone number with no answer at either number.

11. Diligent steps have been taken to locate Mr. Nguyen, but he is unavailable to re-execute a new declaration setting forth the correct inventive entity.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


James L. Katz
Registration No. 42,711
Attorney for Applicants

7/8/05
Date

ASSIGNMENT

WHEREAS, Zahid Najam, Peder J. Jungck, Macduy T. Vu and Andrew T. Nguyen, hereinafter called the "Assignors", have made the invention described in the United States patent application entitled APPARATUS AND METHOD FOR INTERFACING WITH A HIGH SPEED BI-DIRECTIONAL NETWORK, for a full description of which reference is here made to an application for Letters Patent of the United States filed on May 15, 2001, and assigned Application Serial No. 09/858,324;

WHEREAS, Cloudshield Technologies, Inc., a corporation organized and existing under the laws of the State of Delaware, having a place of business at 2302 Zanker Road, Suite 200, San Jose, California 95131, hereinafter called the "Assignee", desires to acquire the entire right, title and interest in and to the invention and the patent application identified above, and all patents which may be obtained for said invention, as set forth below;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other valuable and legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer to the Assignee, the entire right, title and interest for the United States in and to the invention and the patent application identified above, and any patents that may issue for said invention in the United States; together with the entire right, title and interest in and to said invention and all patent applications and patents therefor in all countries foreign to the United States, including the full right to claim for any such application all benefits and priority rights under any applicable convention; together with the entire right, title and interest in and to all continuations, divisions, renewals and extensions of any of the patent applications and patents defined above; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for all such patents.

The Assignors hereby covenant and agree, for both the Assignors and the Assignors' legal representatives, that the Assignors will assist the Assignee in the prosecution of the patent application identified above; in the making and prosecution of any other patent applications that the Assignee may elect to make covering the invention identified above; in

vesting in the Assignee like exclusive title in and to all such other patent applications and patents; and in the prosecution of any interference which may arise involving said invention, or any such patent application or patent; and that the Assignors will execute and deliver to the Assignee any and all additional papers which may be requested by the Assignee to carry out the terms of this Assignment.

The Commissioner of Patents and Trademarks is hereby authorized and requested to issue patents to the Assignee in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, the Assignors have executed this agreement.

DATED: 8-9-01

Z. N.
Zahid Najam

DATED: 8-9-01

Peder J. Jungck
Peder J. Jungck

DATED: 8-9-01

Macduy T. Vu
Macduy T. Vu

DATED: 8-9-01

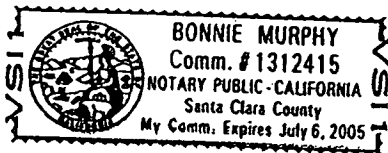
Andrew T. Nguyen
Andrew T. Nguyen

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, BONNIE MURPHY, A Notary Public in and for the County and State aforesaid, do hereby certify that Zahid Najam, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 9th day of AUGUST, 2001.

(SEAL)



Bonnie Murphy
Notary Public

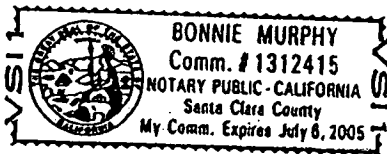
My Commission Expires: 7-6-05

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, BONNIE MURPHY, A Notary Public in and for the County and State aforesaid, do hereby certify that Peder J. Jungck, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 9th day of AUGUST, 2001.

(SEAL)



Bonnie Murphy
Notary Public

My Commission Expires: 7-6-05

STATE OF CALIFORNIA)
) SS.
COUNTY OF SANTA CLARA)

I, BONNIE MURPHY, A Notary Public in and for the County and State aforesaid, do hereby certify that Macduy T. Vu, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

9th IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this day of AUGUST, 2001.

Bonnie Murphy
Notary Public

(SEAL)

My Commission Expires: 7-6-05

STATE OF CALIFORNIA)
) SS.
COUNTY OF SANTA CLARA)

I, BONNIE MURPHY, A Notary Public in and for the County and State aforesaid, do hereby certify that Andrew T. Nguyen, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

9th IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this day of AUGUST, 2001.

Bonnie Murphy
Notary Public

(SEAL)



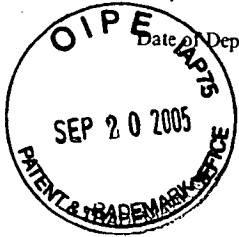
My Commission Expires: 7-6-05

REV. Dec.-99

F:\COMMON\jlkatz\10736.00008-Cloudshield SDRAM switch\Assignment.doc

"Express Mail" mailing label number: EV 314910415 US

Date of Deposit: March 3, 2005



Our Case No. 10736/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Najam, et al

Serial No. 09/858,324

Filing Date: May 15, 2001

For APPARATUS AND METHOD FOR
INTERFACING WITH A HIGH
SPEED BI-DIRECTIONAL
NETWORK

Examiner: C. Chace

Group Art Unit No.: 2185

**PETITION UNDER 37 C.F.R. § 1.48(a)(1) AND AMENDMENT TO CORRECT
INVENTORSHIP**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.48(a), the inventive entity is set forth in error in an executed 37 C.F.R. § 1.63 oath/declaration in the above captioned nonprovisional patent application. Such error arose on the part of the persons who, through error and without deceptive intent, were not named as inventors.

Please add the following inventor to the above captioned application:

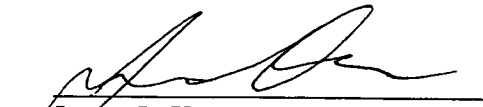
Gregory Scott TRIPLETT

In the specification, on the cover sheet, please make the following amendments:

Please add -- Gregory Scott TRIPLETT --

The fee set forth in 37 C.F.R. § 1.17(i) is enclosed pursuant to 37 C.F.R. § 1.48(a)(4).

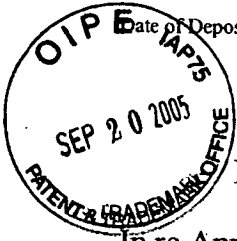
Respectfully submitted,


James L. Katz
Registration No. 42,711
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

Date of Deposit: March 3, 2005

Our Case No. 10736/8



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Najam, et al

Serial No. 09/858,324

Filing Date: May 15, 2001

For APPARATUS AND METHOD FOR
INTERFACING WITH A HIGH
SPEED BI-DIRECTIONAL
NETWORK

Examiner: C. Chace

Group Art Unit No.: 2185

**PETITION UNDER 37 C.F.R. § 1.183
TO WAIVE A REQUIREMENT UNDER 37 C.F.R. 1.48**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.183, applicant requests waiver of the requirement under 37 C.F.R. § 1.48(a)(3) requiring an oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or 1.47. Justice requires waiver in extraordinary situations. In the above captioned nonprovisional patent application, the inventive entity is set forth in error in an executed 37 C.F.R. § 1.63 oath/declaration. Andrew T. Nguyen, one of the named inventors who signed the original declaration and assigned his rights to Cloudshield Technologies, Inc., is unavailable to reexecute a new declaration setting forth the correct inventive entity. In addition, the assignee, Cloudshield Technologies, Inc., has consented to the requested correction. Accordingly, in this extraordinary situation the applicant requests a waiver of the requirement under 37 C.F.R. § 1.48(a)(3) requiring an oath or declaration by the actual inventors, specifically Andrew T. Nguyen.

The fee set forth in 37 C.F.R. § 1.17(h) is enclosed pursuant to 37 C.F.R. § 1.183.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. Katz', is written over a horizontal line.

James L. Katz
Registration No. 42,711
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

"Express Mail" mailing label number: EV 314910415 US

Date of Deposit: March 3, 2005

Our Case No. 10736/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Najam, et al

Serial No. 09/858,324

Filing Date: May 15, 2001

For APPARATUS AND METHOD FOR
INTERFACING WITH A HIGH
SPEED BI-DIRECTIONAL
NETWORK

Examiner: C. Chace

Group Art Unit No.: 2185

**PETITION UNDER 37 C.F.R. § 1.183
TO WAIVE A REQUIREMENT UNDER 37 C.F.R. § 1.64**

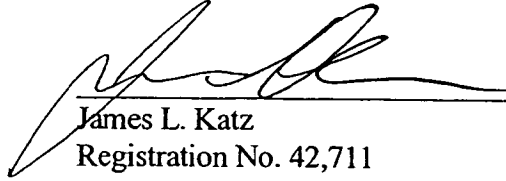
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.183, applicant requests a waiver of the requirement under 37 C.F.R. § 1.64(a) requiring that the declaration must be made by all of the actual inventors except as provided for in §§ 1.42, 1.43, 1.47, or 1.67. Justice requires a waiver in extraordinary situations. In the above captioned nonprovisional patent application, the inventive entity is set forth in error in an executed 37 C.F.R. § 1.63 oath/declaration. Andrew T. Nguyen, one of the named inventors who signed the original declaration and assigned his rights to Cloudshield Technologies, Inc., is unavailable to reexecute a new declaration setting forth the correct inventive entity. In addition, the assignee, Cloudshield Technologies, Inc., has consented to the requested correction. Accordingly, in this extraordinary situation the applicant requests a waiver of the requirement under 37 C.F.R. § 1.48(a)(3) requiring an oath or declaration by the actual inventors, specifically Andrew T. Nguyen.

The fee set forth in 37 C.F.R. § 1.17(h) is enclosed pursuant to 37 C.F.R. § 1.183.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James L. Katz', is written over a horizontal line.

James L. Katz
Registration No. 42,711
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



Our Case No. 10736/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Najam, et al)
)
Serial No. 09/858,324) Examiner: unknown
)
Filing Date: May 15, 2001) Group Art Unit No.: 2185
)
For APPARATUS AND METHOD FOR)
INTERFACING WITH A HIGH)
SPEED BI-DIRECTIONAL)
NETWORK)

STATEMENT OF INVENTOR PURSUANT TO 37 C.F.R. § 1.48(a)(2)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

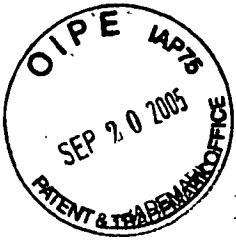
Pursuant to 37 C.F.R. § 1.48(a), the inventive entity is set forth in error in an executed 37 C.F.R. § 1.63 oath/declaration in the above captioned nonprovisional patent application. Such error arose on the part of the persons who, through error and without deceptive intent, were not named as inventors.

I, Gregory Scott Triplett, hereby state that the amendment to correct inventorship pursuant to 37 C.F.R. § 1.48(a) adding myself as an inventor is necessitated by error which occurred without deceptive intention on my part.

Respectfully submitted,

Gregory Scott Triplett
Gregory Scott Triplett
3557 Helen Drive
Pleasanton, CA 94588

1/6/05
Date



Our Case No. 10736/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Najam, et al)
)
Serial No. 09/858,324) Examiner: unknown
)
Filing Date: May 15, 2001) Group Art Unit No.: 2185
)
For APPARATUS AND METHOD FOR)
INTERFACING WITH A HIGH)
SPEED BI-DIRECTIONAL)
NETWORK)

**WRITTEN CONSENT TO CORRECTION OF INVENTORSHIP PURSUANT TO
37 C.F.R. § 1.48(a)(5) and 37 C.F.R. § 3.73(b)**

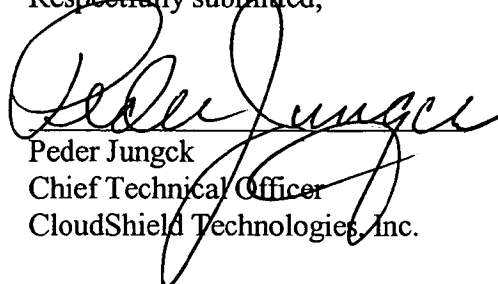
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.48(a), the inventive entity is set forth in error in an executed 37 C.F.R. § 1.63 oath/declaration in the above captioned nonprovisional patent application. Such error arose on the part of the persons who, through error and without deceptive intent, were not named as inventors.

Pursuant to 37 C.F.R. § 3.73(b), CloudShield Technologies, Inc., by virtue of an assignment from the originally named inventors, a copy of which is attached, is the assignee of the above captioned patent application and hereby consents to the correction of inventorship filed herewith.

Respectfully submitted,

 12-21-04
Peder Jungck Date
Chief Technical Officer
CloudShield Technologies, Inc.

Case No. 10736/8**DECLARATION FOR PATENT APPLICATION**I, Zahid Najam, named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS AND METHOD FOR INTERFACING WITH A HIGH SPEED BI-DIRECTIONAL NETWORK, the specification of which:

- ☐ is attached hereto.
☒ was filed on May 15, 2001 as Application Serial No. 09/858,324.
☐ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)Priority Claimed

| <u>(Number)</u> | <u>(Country)</u> | <u>(Day/Month/Year Filed)</u> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|-----------------|------------------|-------------------------------|------------------------------|-----------------------------|
|-----------------|------------------|-------------------------------|------------------------------|-----------------------------|

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| <u>(Application Serial No.)</u> | <u>(Filing Date)</u> |
|---------------------------------|----------------------|
|---------------------------------|----------------------|

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

| <u>(Application Serial No.)</u> | <u>(Filing Date)</u> | <u>(Status-patented, pending, abandoned)</u> |
|---------------------------------|----------------------|--|
|---------------------------------|----------------------|--|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Date:

Full name of sole or first inventor

Zahid Najam

Residence

San Jose, CA 95121

Citizenship

British

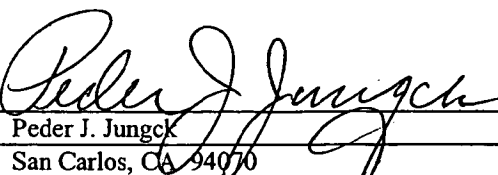
Post Office Address

2282 Woodbury Ct., San Jose, CA 95121

BRINKS HOFER GILSON & LIONE

P.O. Box 10395
Chicago, IL 60610
(312) 321-4200

Inventor's Signature
Full name of second joint inventor, if any
Residence
Citizenship
Post Office Address

 Date: 12-21-04
Peder J. Jungck
San Carlos, CA 94070
US
108 Dundee Lane, San Carlos, CA 94070

Inventor's Signature
Full name of third joint inventor
Residence
Citizenship
Post Office Address

Macduy T. Vu Date: _____
Milpitas, CA 95035
US
830 Alcosta Drive, Milpitas, CA 95035

Inventor's Signature
Full name of fourth joint inventor
Residence
Citizenship
Post Office Address

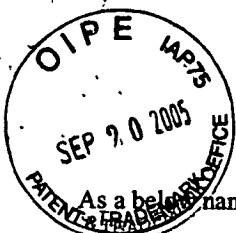
Andrew T. Nguyen Date: _____
San Jose, CA 95148
US
3239 Heritage Oaks Court, San Jose, CA 95148

Inventor's Signature
Full name of fourth joint inventor
Residence
Citizenship
Post Office Address

Gregory Scott Triplett Date: _____
Pleasanton, CA 94588
US
3557 Helen Drive, Pleasanton, CA 94588

rev. Dec.-99

Y:\jlkatz\10736 Cloudshield\10736.00008 SDRAM switch\10736-8 New Declaration for Patent Application.doc

Case No. 10736/8**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS AND METHOD FOR INTERFACING WITH A HIGH SPEED BI-DIRECTIONAL NETWORK, the specification of which:

- ☐ is attached hereto.
☒ was filed on May 15, 2001 as Application Serial No. 09/858,324.
☐ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)Priority Claimed

☐ Yes ☐ No

(Number) (Country) (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

(Application Serial No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.) (Filing Date) (Status-patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Full name of sole or first inventor

Residence

Citizenship

Post Office Address

Z. Najam
Zahid Najam

San Jose, CA 95121

British

2282 Woodbury Ct., San Jose, CA 95121

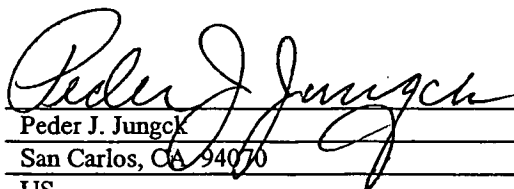
Date:

11/10/05

BRINKS HOFER GILSON & LIONE

P.O. Box 10395
Chicago, IL 60610
(312) 321-4200

Inventor's Signature
Full name of second joint inventor, if any
Residence
Citizenship
Post Office Address

 Date: 12-21-04
Peder J. Jungck
San Carlos, CA 94070
US
108 Dundee Lane, San Carlos, CA 94070

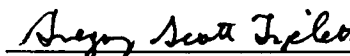
Inventor's Signature
Full name of third joint inventor
Residence
Citizenship
Post Office Address

Date: _____
Macduy T. Vu
Milpitas, CA 95035
US
830 Alcosta Drive, Milpitas, CA 95035

Inventor's Signature
Full name of fourth joint inventor
Residence
Citizenship
Post Office Address

Date: _____
Andrew T. Nguyen
San Jose, CA 95148
US
3239 Heritage Oaks Court, San Jose, CA 95148

Inventor's Signature
Full name of fourth joint inventor
Residence
Citizenship
Post Office Address

 Date: 1/6/05
Gregory Scott Triplett
Pleasanton, CA 94588
US
3557 Helen Drive, Pleasanton, CA 94588

rev. Dec.-99

Y:\jlkatz\10736 Cloudshield\10736.00008 SDRAM switch\10736-8 New Declaration for Patent Application.doc



Case No. 10736/8

DECLARATION FOR PATENT APPLICATION

I, Zahid Najam, named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS AND METHOD FOR INTERFACING WITH A HIGH SPEED BI-DIRECTIONAL NETWORK, the specification of which:

- ☐ is attached hereto.
☒ was filed on May 15, 2001 as Application Serial No. 09/858,324.
☐ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

| (Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|----------|-----------|------------------------|------------------------------|-----------------------------|
| | | | | |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| (Application Serial No.) | (Filing Date) |
|--------------------------|---------------|
| | |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

| (Application Serial No.) | (Filing Date) | (Status-patented, pending, abandoned) |
|--------------------------|---------------|---------------------------------------|
| | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Date: _____

Full name of sole or first inventor

Zahid Najam

Residence

San Jose, CA 95121

Citizenship

British


Post Office Address

2282 Woodbury Ct., San Jose, CA 95121

BRINKS HOFER GILSON & LIONE

P.O. Box 10395
Chicago, IL 60610
(312) 321-4200

Inventor's Signature _____ Date: _____
Full name of second joint inventor, if any Peder J. Jungck
Residence San Carlos, CA 94070
Citizenship US
Post Office Address 108 Dundee Lane, San Carlos, CA 94070

Inventor's Signature  _____ Date: 2/16/05
Full name of third joint inventor Macduy T. Vu
Residence Milpitas, CA 95035
Citizenship US
Post Office Address 830 Alcosta Drive, Milpitas, CA 95035

Inventor's Signature _____ Date: _____
Full name of fourth joint inventor Andrew T. Nguyen
Residence San Jose, CA 95148
Citizenship US
Post Office Address 3239 Heritage Oaks Court, San Jose, CA 95148

Inventor's Signature _____ Date: _____
Full name of fourth joint inventor Gregory Scott Triplett
Residence Pleasanton, CA 94588
Citizenship US
Post Office Address 3557 Helen Drive, Pleasanton, CA 94588

rev. Dec.-99

Y:\jlkatz\10736 Cloudshield\10736.00008 SDRAM switch\10736-8 New Declaration for Patent Application.doc



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO IL 60610

COPY MAILED

SEP 1 5 2005

OFFICE OF PETITIONS

In re Application of
Najam, et al.
Application No. 09/858,324
Filed: May 15, 2001
Attorney Docket No. 10736/8

:
:
: DECISION GRANTING PETITIONS
: UNDER § 1.48(a) and § 1.183
:

This is a combined decision on the "REQUEST FOR RECONSIDERATION OF PETITIONS UNDER 37 C.F.R. § 1.48(a) AND AMENDMENT TO CORRECT INVENTORSHIP" and the "PETITION UNDER 37 C.F.R. § 1.183 TO WAIVE A REQUIREMENT UNDER 37 C.F.R. § 1.48", filed July 8, 2005, to waive the requirement under § 1.48(a)(3) for execution of the declaration by all of the actual inventors.

The petition under 37 CFR 1.48(a) is GRANTED.

The petition under 37 CFR 1.183 is GRANTED.

The above-identified application was filed on May 15, 2001. A properly executed declaration identifying inventors Zahid Najam, Peder J. Jungck, Macduy T. Vu, and Andrew T. Nguyen was filed on August 29, 2001, in response to a Notice to File Missing Parts mailed July 20, 2001. On March 3, 2005, a petition under 37 C.F.R. 1.48(a) was filed to amend the inventorship to add joint inventor Gregory Scott Triplett. Accompanying the petition was a statement from added inventor Triplett, stating that the inventorship error occurred without deceptive intention; and a declaration executed by Najam, Jungck, Vu, and Triplett.

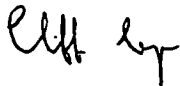
However, the petition was dismissed in a decision mailed on June 3, 2005. Petitioner had not provided a written consent from the assignee. In addition, petitioner did not set forth the steps taken to have Nguyen execute the declaration.

Under 37 C.F.R. § 1.183, any requirement of the regulations, which is not a requirement of the statutes, may be waived by the Commissioner's designee in an extraordinary situation, when justice so requires. Waiver of the requirement is appropriate in this instance. The facts of the record do not present uncertainty as to this correction of inventorship. The assignee has given consent to the requested correction. Petitioner has shown that Nguyen was presented with the application papers, but as of the date of the petition, has not executed the declaration.

Accordingly, the newly executed declaration filed on March 9, 2005 will be entered, despite the fact that the requirement set forth in 37 CFR 1.48(a)(3) that all the inventors sign a reexecuted oath or declaration has not been satisfied.

The application file is being forwarded to Group Art Unit 2189 for processing of the RCE filed March 3, 2005.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions